

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

KELLY MILLIGAN, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

MERRILL LYNCH, PIERCE, FENNER &
SMITH INC., BANK OF AMERICA CORP.,
and JOHN/JANE DOE 1, THE SENIOR VICE
PRESIDENT–HUMAN RESOURCES
GLOBAL BANKING AND GLOBAL
WEALTH AND INVESTMENT
MANAGEMENT ADMINISTRATION AT
BANK OF AMERICA CORP.,

Defendants.

Case No. 3:24-cv-00440-KDB-DCK

Judge Kenneth D. Bell

Magistrate Judge David Keesler

UNOPPOSED MOTION FOR EXTENSION OF TIME

Defendants Bank of America Corp. and Merrill, Lynch, Pierce, Fenner & Smith, Inc. (“Defendants”), by and through their attorneys, respectfully request a ten (10) day extension of time, up to and including December 30, 2024, to file a reply brief in support of their motion for summary judgment. In support of this unopposed motion, Defendants state as follows:

1. On September 30, 2024, Defendants filed a motion for summary judgment, which seeks dismissal of Plaintiff Kelly Milligan’s (“Plaintiff”) claims, with prejudice. Dkt. 41.

2. After filing the motion for summary judgment, counsel for the parties conferred on numerous occasions regarding discovery that Plaintiff believed was needed to respond to Defendants’ motion. Based on those cooperative discussions, the Parties requested—and the Court entered—a briefing and discovery schedule. *See* Dkt. 51.

3. On December 6, 2024, in accordance with the Court’s briefing schedule, Plaintiff filed his response to Defendants’ motion for summary judgment. Dkt. 53. Defendants are

currently due to submit their reply brief on or before December 20, 2024. Dkt. 51.

4. Counsel for Defendants are working diligently to prepare Defendants' reply brief. However, due to holiday-related travel commitments, and to provide sufficient time for Defendants to fully and appropriately address the arguments raised in Plaintiff's opposition, Defendants respectfully request an additional ten (10) days, up to and including December 30, 2024, to submit a reply brief in support of their motion for summary judgment.

5. Defendants' counsel conferred with Plaintiff's counsel regarding this motion on December 13, 2024. Plaintiff's counsel confirmed that Plaintiff does not oppose this motion.

6. This motion is brought in good faith and not for purposes of delay. No party will be prejudiced by the granting of this motion.

WHEREFORE, Defendants respectfully request that the Court grant this motion and extend Defendants' deadline to submit a reply brief in support of their motion for summary judgment up to and including December 30, 2024.

Dated: December 13, 2024

Respectfully submitted,

By: /s/ Robert A. Muckenfuss

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Robert A. Muckenfuss, an attorney, hereby certify that on December 13, 2024, I caused a copy of the foregoing document to be filed through the Court's CM/ECF Electronic Filing System, which will transmit notice of such filing to all counsel of record.

/s/ Robert A. Muckenfuss